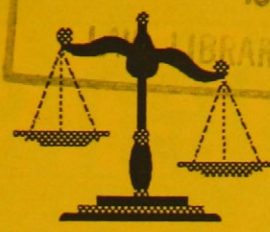


Quid Novi



Volume XVI, No.8

UNIVERSITÉ MCGILL FACULTÉ DE DROIT
MCGILL UNIVERSITY FACULTY OF LAW

October 31, 1995
le 31 octobre, 1995

Ils Sont Saouls d'Elle!

Here is the first of a series of articles featuring new law professors in the faculty that the Quid Novi will be publishing in the coming weeks. The following article introduces Professor Marie-Claude Prémont who teaches Civil Law Property I this year and will be teaching Linguistic and Literary Approches to the Law next term.

Élyse Giacomo, BCL I

McGill n'a pas failli à sa réputation d'être une université ouverte sur le monde et aux gens au bagage des plus divers. La cuvée 95-96 du corps professoral reflète bien cet esprit. Parmi ce nouvel arrivage: La douce d'Orléans. En effet, le cru Prémont, malgré sa jeunesse, possède du vécu...

Importée de Québec, elle en a fait du chemin avant d'arriver à Montréal. Après un

heureux mariage avec la faculté de génie sherbrookoise et un bref séjour au Western University de l'Ontario, elle fut courtisée par l'Ouest canadien où le domaine pétrolier s'en accapara pendant un an. Elle retourna à ses origines, le Québec, où l'Université Laval la garda à sa carte. Sa combinaison au droit est très prisée. En effet, elle passe comme un charme à travers les plats de consistance tels que la Licence, la Maîtrise et le Doctorat. Et ce, sans indigestion!

Après que les universités francophones telles que Sherbrooke, Laval et Montréal s'en eurent humectées les lèvres, elle est goûtée par McGill. Tous ceux qui l'ont savouré ont maintenant un drôle de comportement: ils s'interrogent sur la mobilité ou l'immobilité de leurs coupes à vin...

Arrivée à bon port, notre douce

d'Orléans se voue à l'enseignement par choix car elle se marie à une vie intellectuelle plus riche et plus libre. Mme Prémont aime le droit et essaie de nous le rendre plus accessible. Sa classe est composée essentiellement d'étudiants provenant du Cégep et elle fait tout en son possible pour ne pas qu'ils se sentent marginalisés. Selon elle, tous les étudiants partent au même pied et ont le même potentiel intellectuel. D'après les échos qu'elle a entendue, la fac aurait des efforts à faire également à l'intégration des collégiens.

Lorsque je lui ai demandé de me donner un conseil qu'elle donnerait à tous les nouveaux étudiants, elle m'a dit qu'elle souhaitaient qu'ils développent plutôt cette aptitude: la confiance en soi par rapport au droit. En temps de mémos, méditons sur cette réflexion...

TOP 10

Steven Leitman, BCL II

Top Ten Halloween Costume Surprises in the Legal(*) World:

10. Steven Scott dressed up as Lucien Bouchard.
9. Chief Justice Antonio Lamer ACTUALLY IS Antonio Banderas (Okay, so it's not a costume, but it would be surprising...).
8. Daniel Jutras dressed up as Alison Harvison Young.
7. Claude Loiselle dressed up as Ken Dryden.
6. Professor Foster dressed up as Captain Highliner.

5. Montreal Chief Prosecutor Andre Vincent dressed up as Justice Jean-Guy Boilard.
4. Professor A.L.C. DeMestral dressed up as a scarecrow (Can't you just picture it?).
3. Bill 101 dressed up as the Charter.
2. Justice Clarence Thomas dressed up as William Kennedy Smith.
1. Jacques Parizeau and Jean Chretien dressed up together as siamese twins.

* Not intended to have any Foundations-esque connotations. I apologize to any first year students who may have screamed in terror, thinking their paper won't leave them alone. Apologies as well to anyone in upper years who is still traumatized by Foundations, including myself.

In This Issue

Dans ce numéro

Pantoufflicating	3
Pourquoi Référendaires	4
Notes pour la piasse	4
Otis Notice	5
JodyTalk	6
En forme de Day After	7

Announcements / Annonces

McGill University Libraries



3 101 438 415 F

Notes from the Office of Undergraduate Studies

Examination Information will start to appear in early November. Keep an eye on **Board No.3** outside Room 101 for up-to-date information on your examinations.

Should you feel in need of an **Extention** for an assignment or for a paper, you are required to submit your request, in writing, to Daniel Jutras, Associate Dean (Academic).

Assignments handed in late, without an approved extension, are governed by Faculty Regulation 27 which reads in

part:

Late assignments. In the absence of a medical certificate or analogous circumstances, any required paper or essay submitted after its due date shall be assessed a penalty of one grading unit per day late.

If you are unable to submit your work to the OUS before 5:00 p.m. the Library will accept it. They will stamp the time submitted and initial it for you.

Professor Winter has confirmed the teaching dates for his **Research Seminar, Essentials of European Union Law**, 389-508/9B (03). He will teach from 22 January to 8 February inclusive, and from 11 March to 28 March

inclusive. The first class will, however, be given on Monday, 8th January from 15:30-17:30 by Prof. de Mestral, to orient students and hand out readings.

ATTENTION GRADUATES:

If you are graduating and missed the Josten's photo shoot last week, you can still have your pictures taken. Call Josten's for an appointment at 499-9999 and they will be happy to take your pictures at their Drummond Street studio for the same price of \$29.

Class Photos are this week, ask your class rep for the exact time, day and location. This affects EVERYONE.

It's 10 p.m. Do you know where your country is?

Well, as you're reading this, you already know the result of last night's referendum. Whatever the outcome, I hope cool heads will prevail, at least long enough for us to enjoy this Halloween. Isn't it ironic that Halloween falls on the "day after"? Maybe it's to give politicians on the losing side the chance to escape incognito. Whatever the reason, try to enjoy this Halloween and save me some candy!

Emmanuel Castiel, BCL III
Editor-in-chief

Quid Novi is published weekly by students at the Faculty of Law of McGill University, 3661 Peel Street, Montréal, H3A 1W9 (Tel: 398-4430). Production is made possible by support of the Dean's office and by direct funding from the students. Les opinions exprimées sont propres aux auteurs. Toute contribution doit indiquer l'auteur ou son origine et n'est publiée qu'à la discrétion du comité de rédaction. This newspaper is printed on recycled paper.

Rédacteur-en-chef/ Editor in chief:
Emmanuel Castiel

Directrice administrative/ Administrative Director:
Barbara Frederikse

Production:
Angela Hui
Anna Kapellas
Kiri Vanikiotis

Next Deadline/Date Limite
Novem. 1 1995 @ 10 am

Pantouflicating

Don McGowan, LLB III

I've got two obligations to His Editorship this week. The first one is to write about Hallowe'en, and the second is to write about Law Games. So, suborning artistic freedom to the shameless attempt to be popular, once again, I caved to His Editorship's every whim...

The Rant, part 1 - Hallowe'enies

Why is the Hallowe'en party on a Thursday? Because that's after Coffee House? Because the LSA forgot to book a room in time? Because you all know that my Clinic day is Friday, and you don't want me to go?

Oh well. It's just that I think everyone will feel kind of stupid walking around in costume 5 days before Hallowe'en. But then again, I walk around in slippers every day in second semester, and I think you're all stupid for wearing shoes, so what does that say?

I think this isn't what His Editorship wanted, but what do you expect? Something scary? Come on. I think it must be scary enough for you just knowing that I'm out there and that I get a column every week. There's no need to horrify you by inviting you to think about me naked.

The Rant, part 2 - Why I hate Law Games

In fairness to the LSA, I didn't write this column last week, so they could soak all you poor sots who don't know better into going to Law Games. Have fun, if that's possible. But me, I'll be here.

Maybe it's just me. I can certainly see the appeal of spending \$300 to sit around and drink with the same people you sit around and drink with every week at Coffee House for free. Because don't kid yourself: you're *not* going to meet new people and spend Law Games with them. After all, if they're so unpopular at their own schools that they came to Law Games to make friends somewhere else, there's probably a good reason they're that unpopular.

But I may be a little biased. I went to Law Games in my first year, at Osgoode. When George blew the instrument formerly known as a McGistle, Ben Ho melted it. Then Ben decided he would hogtie George naked in the elevator and hang a dead fish from his neck, with a sign telling people not to mess with Ben Ho.

I've never been back. Neither has George. Nor Troy, though that's extraneous to my story. Of course, Ben never actually *did* this, but that doesn't mean he doesn't want you to think that he did.

I know what's coming: "Are you too much of a geek to skip class for a weekend?" And I respond: Are you so much the geek that you need an *excuse* to skip class? I'll skip class for *no* reason, or a really bad one. I don't need to spend \$300 to have an excuse. I know I'll be missing out on a wonderful experience. Yeah, right. I'll do my best to replicate it by standing in front of the freezer all weekend listening to Daniel Lavoie. But from what I've heard about Québec City in January, that might not be cold enough.

Now, the good stuff

I know you don't read this to hear what I think. You want me to save you money. Well, here goes...

90210

This is getting so bad even I can't watch it any more. I can recite the dialogue before they even say it. The women have stopped wearing underwear outside their clothes and started wearing underwear as their clothes. Why did they move it off Fridays, when I could at least get drunk and sleep that off? Now I've got to deal with a week-long hangover, or watch it sober!

Never Talk to Strangers

AARGH! WHY DID I SEE THIS MOVIE?

Hackers, move over. Every week, Hollywood improves upon its last stinker. I knew it was bad from the random violins in the credits. Yeah, like you'll watch it for the plot. I could probably tell you who the stalker is, and you would thank me for it.

Two shots of Antonio Banderas' butt (one where she *bites* it), and interminable sessions of Rebecca's frontal parts during the most gratuitous sex scene I've ever seen (and I've seen a lot of teenage movies). But we never get to see Dennis Miller in the buff, and that's what we're all really waiting for...

A new feature... Pantoufle surfs the net!

I've decided to add a section to Pantouflicating, because the Quid could use some filler, and because I'm a huge geek. I've got three sites for you this week:

<http://www.filmzone.com/>

A lovely site, offering previews of all sorts of films I'm sure to review in the coming weeks. You can download distorted sound clips and grainy, blocky video trailers. Great. That's just what I need. Somewhere I can spend 15 minutes downloading 10 seconds of Nicole Kidman.

<http://www.suck.com>

People so bitter they make me look like Lara Speirs. Updated daily.

<http://www.quest.net/crime/crime.html>

An internet police investigation of a serial killer. I'm not making this up. I'm just curious as to why it's there, and what good it's doing them.

Well, that's it for this week.

Pourquoi Référendaires

Valérie Boucher, BCL III

Au moment où vous lisez ces lignes, vous avez probablement déjà exercé votre droit de vote et vous connaissez peut-être même déjà le résultat du scrutin. Peu m'importe puisqu'elles n'ont pas pour but d'orienter votre vote, mais plutôt de vous faire réfléchir sur notre démocratie et notre système politique.

Pourquoi des hommes et des femmes ayant fait des études supérieures poussées et promis à un avenir brillant dans les milieux universitaires, juridiques ou des affaires choisissent-ils d'oeuvrer au sein du milieu le plus ingrat qui soit, le milieu politique ?

Pourquoi des gens intelligents et sensés se mettent-ils à proférer autant de stupidités et à se contredire à tous les deux mots dès qu'on leur accole le titre de "politicien" ?

Pourquoi la campagne référendaire tourne-t-elle autour des erreurs de vocabulaire des politiciens au lieu de présenter des arguments réfléchis et soutenus sur le fond du débat ?

Pourquoi engage-t-on de grands débats autour du libellé de la question et des mots utilisés pour désigner le projet proposé (séparation - indépendance - souveraineté) alors que ces éléments ne devraient avoir que peu d'influence sur l'opinion que se font les électeurs ?

Pourquoi les médias font-ils du référendum un concours de popularité entre leaders souverainistes et

fédéralistes alors que le vote doit se faire sur un projet de société ?

Pourquoi chaque camp nous promet-il le paradis en oubliant de mentionner que son option brûle de quelques flammes d'enfer ?

Pourquoi les mêmes Québécois qui ont élu un gouvernement provincial souverainiste et ont envoyé à Ottawa une majorité de députés souverainistes pour défendre leurs intérêts voteront-ils maintenant contre le projet souverainiste ?

Pourquoi dépense-t-on autant de temps, d'argent et d'énergie à parler de constitution au moment où nos gouvernements songent à couper dans les programmes sociaux, où les chômeurs se comptent par milliers et où l'économie dans son ensemble bat de l'aile ?

Pourquoi nos leaders politiques sont-ils incapables de s'engager formellement à respecter le choix du peuple québécois ?

Pourquoi chaque camp nous inonde-t-il de spéculations partisans dans le seul but de gagner sa guerre sans jamais essayer de tirer au clair l'éventuelle position d'un Québec souverain ?

Pourquoi aucun camp ne nous présente-t-il pas le pays qu'il nous propose de choisir ?

Pourquoi les leaders souverainistes n'ont-ils pas

l'honnêteté d'admettre que la victoire d'un OUI pourrait avoir des répercussions sur la situation économique du Québec et des Québécois ?

Pourquoi les fédéralistes se boment-ils à utiliser les vieux arguments de peur et d'incertitude pour promouvoir leur option ?

Pourquoi le camp du OUI joue-t-il la corde sensible des Québécois en misant uniquement sur l'identité et la culture québécoises distinctes pour justifier la souveraineté de notre peuple ?

Pourquoi le Canada anglais menace-t-il d'être notre pire ennemi si on choisit de devenir un pays et promet-il de nous tendre la main, afin de travailler avec nous à la construction d'un nouveau Canada version améliorée au lendemain de la victoire d'un NON ?

Parce que les politiciens prennent les électeurs pour des idiots et qu'ils ont peut-être raison.

Parce que la politique est un peu la bêtise humaine dans sa forme la plus évoluée.

Parce que la politique n'est qu'une suite sans fin de contradictions.

Parce que ce que les Québécois veulent, c'est un Québec souverain dans un Canada uni, comme l'a si bien exprimé Yvon Deschamps.

Des Notes Pour La Piasse!

Sébastien Beaulieu, LLB I

Dans le *Jody Talk* de la semaine dernière, vous pouvez lire la trouvaille qui va résoudre tous les maux du système de financement des études post-secondaires au Canada. Au panier l'*Option CASA*! Pourquoi se casse-t-on la tête alors que la solution se trouve chez les profs, au bout de leur stylo? Effectivement, rien de plus simple pour une institution en situation économiquement précaire que de distribuer des "A" aux étudiants avec l'espoir qu'ils s'en souviendront le temps venu de contribuer à l'une de ses levées de fonds.

J'ai songé à cette option proposée la semaine

dernière et n'y trouve que deux accrocs mineurs. Premièrement, il va y avoir un décalage à la première période d'instauration du système puisque quelques années devront s'écouler entre la récolte de nos "A" et la moisson des dons... le temps de rembourser quelques dettes personnelles. Peu importe, je suis convaincu que les généreuses contributions finiront bien par pleuvoir. Le deuxième hic c'est que l'inflation des notes nous guette. Il faudra sans cesse renouveler le barème de correction afin de combler l'insatiable appétit étudiant pour des notes élevées. Ma première idée c'était d'attribuer des "AA" et "AAA". Malheureusement, ces "A" cumulés sont des acronymes déjà revendiqués par les insatiables de boisson et de chars bien cirés. Et puis, je me vois

annoncer à ma mère que je fais partie des étudiants exemplaires: les "AA"! Non, j'ai trouvé la solution qui nous plaira autant qu'aux profs soucieux de s'assurer une retraite bien grasse au sortir d'une institution où les piasses pleuvent (en souhaitant que ce seront encore des dollars canadiens et non des "Québucks"!). Pour tous, il y aura les "AAAA"... bien que ça bégaye un peu.

Trêve de ridicule. Nos souvenirs de la faculté ne seront pas strictement liés aux notes comme on le laisse entendre en faisant du piètre chantage pour revendiquer des notes plus élevées. Et puis, j'ai espoir que le résultat du "memorandum" ne fera pas planer trop d'ombre sur notre générosité.

OTIS NOTICE

Alexandra Otis, Sports Coordinator

October 21st was a memorable day for the law faculty of McGill university. For the second year in a row we won the Malpractice Cup against Med. Congratulations to all of you who made that victory possible! For those who couldn't make it, we won 5-3 overall thanks to victories in women Flag-football, Tug-of-war, Softball and Ultimate (they had to explain the rules to us and we still managed to beat them) We also won the pool tournament but didn't win the boat race... between you and me I'm not so sure that last med girl finished her beer. It was a great day despite the afternoon rain and the party was quite something. We made close to \$700 profits that we gave to Centraide. Again congratulations to you guys and see you next year for another victory!

Law Games

At the time I'm writing this article, 150 students are to go to Law Games in January. At the end of this week my objective will probably be reached meaning that our faculty will send close to 200 happy lawgamers to Québec City. Stay tuned for our next meeting where you will have to choose your roommates and the sports

you will play. I sure hope you all paid your deposit and gave me your picture because if not you're in BIG trouble (and I mean it).

Intramurals

Malum in se, one of the two women's hockey teams, is doing very well. Our season is going even better than the Habs! Even though we lost our first game 4-1, we managed to win our last one on October 22nd 1-0. We have a great goalie who saved our life more than once, a very good team with a lot of spirit (even though we have problems to find a cheer!) and also two excellent coaches Terry and Mark. Malum in se will be playing October 31st at 10:15.

The following is a brief summary by Janet Michelin: Force Majeure: Women's Flagfootball. Our first game was against Unplugged. We had a grudge to settle from last year and we settled it 9-0. Overheard coming from the other team, "It's like they're not even real women". Nope, It's just that we're better women. Our next game was against Big Punts. They rolled over our defense to score the first touchdown but then we got our act together. Lindsay Matthews scored

one touchdown but it wasn't enough. Big Punts scored a couple more, throwing a few elbows in our face in the meantime. We limped to our third game on Saturday morning. It was the battle of the defenses. Final score: 0-0. Luckily, our coaches still believe in us. Thanks to Kiri + Mike for their time, energy and support. (By the way, Force Majeure won their first game of the playoffs Saturday the 21st against medecine, keep up the good work guys!)

Public Offenders: Women's Hockey. Losing 7-1 may not sound so great. But if you consider the fact that our goalie is on exchange, that the opposing team was last year's intramural champion and that it was our first game of the season, it's not too shabby. Jody MacDonald was awesome in her debut as goalie. Melanie De Souza scored our only goal, assisted by Tania Tretiak. Susan Wells played a great game at center, particularly when we had to do some heavy-duty penalty-killing. Our rookies Lindsay Matthews, Sara Rose and Wendy Woloshyn, added new life to the team and proved that you never forget how to skate, even if you learned on figure skates. Special thanks goes to Dave "Spicy D" Lisbona for his coaching excellence.

Introducing . . .

BUTTERWORTHS Student Companions

Your Survival Guides For First Year Law School

Butterworths Student Companions give you a professionally prepared set of case notes for the core courses of criminal, contracts, torts, evidence, property and constitutional law.

Each book collects the key cases and gives the facts, the decision and the principles in a language you can understand. They're the edge you need to make the grade in first year.

Available at your local Campus or Law school bookstore or order directly from Butterworths!

TOLL-FREE ORDERING

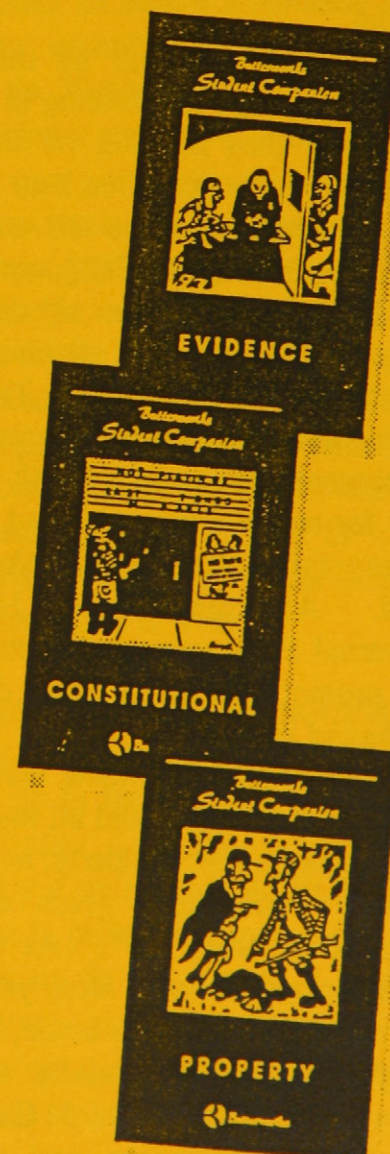
Call 1-800-668-6481 FAX 1-800-461-3275



Butterworths

75 Clegg Road, Markham, Ontario L6G 1A1

Tel: (905) 479-2665 FAX (905) 479-2826



JODYTALK

I have been a Coke drinker all of my life but when I went to the soft drink machine last week I couldn't find Coke, only Pepsi®. The commercials show everyone having a grand old time drinking lots of Pepsi®, after all it is the choice of a new generation. Besides, being the caffeine addict that I am I had to cave in and so I bought a Pepsi®. I popped the top on the can and it emitted that satisfying psshht sound of all well carbonated beverages. The liquid was icy cold running down my throat, and the bubbles tickled my nose. There was just one thought running through my reptilian brain at that moment, "Hello taste?" It was only then that I remembered why I have been drinking Coke® all my life. When I go into a restaurant and ask for a Coke® I want a Coke®. The last time I asked for a Coke® and someone served me a Pepsi® I had to take 15 minutes out of my life to explain to them that all dark, syrupy, carbonated beverages are not equal.

First they tell us that there is already enough free seating in the library, and now they say that we should drink Pepsi®. Why does God hate me? Much to my amazement the answer was to be found neither in the CCQ, nor in the case of BCN v. Houle (after all this is a civil law jurisdiction). Of all places, I found my answer in the McGill Tribune (that other newspaper where Pantoufle writes). Apparently the contract with Coke® was up for renewal this year and to insure a competitive offer SSMU asked Pepsi to bid. According to Jen Harding VP Internal Pepsi came to the meeting with "...promotional items, video displays and a *bound* proposal..." Gee if I knew that binding on a paper made that much of a difference I would bind all my blue books in Common Law Property, and then Jane Glenn would have given me an "A" instead of that "C+". As regards the promotional items I have yet to receive any hat, T-shirt, sports bottle, free soda, or anything else. Essentially what it boils down to is that SSMU sold Coke® out for a slick ad campaign and a bunch of

Frisbees. The Tribune article does mention that other factors played into the decision. Coke® only promised to hire 10 students for the summer as opposed to 38 for Pepsi®, Pepsi® said they would sponsor Frosh Welcome Week, and Jen Harding said that SSMU will save 1 million dollars over 5 years (boy the number 1 million seems to have gotten really popular all of a sudden). On the other hand SSMU has been with Coke® for the last decade and I don't remember hearing any complaints. I just find the numbers too good to be true.

Apparently I'm not the only one because when the resolution came before SSMU Council Mitch Costom our Law rep said that the bottom line sounded good, but SSMU was asking Council to ratify the contract without giving them enough time to study the proposal. Good for you Mitch! Sometimes when something looks too good to be true that's because it is too good to be true. When Marriott insisted they could provide better food for lower prices it sounded too good to be true, and where are they now? I have no idea where they are, but they aren't at McGill. The bottom line rarely tells you the whole story. The bottom line in the McGill law library is that there are 200 open study seats. On the other hand, anyone who has tried to find a seat there in recent months knows that there is little study space available and what is available certainly isn't open.

Rather than taking the myopic view of the bottom line people would be much better off if they took all of the factors into consideration when coming to a decision. For example, the fact that SSMU has had a long term relationship with Coke® should count for something, even if they were more impressed with the Pepsi® proposal. At the very least Coke® should have been given a chance to match Pepsi®'s offer. As we have seen with the Marriott and Scott experiments it's not really a bargain if the food sucks and the catering company has to keep raising prices in order to make money.

Speaking about beverages... I read somewhere that there is no food or drink allowed in the computer labs. Why then did I see people chugging down free champagne in the new computer lab? I thought the hallmark of the rule of law is that it applied equally to all. It appears to me when they say that there is no food allowed in the computer lab they really mean no "cheap food." Lets say that I had a smoked salmon sandwich on a crusty baguette with radicchio and shitake mushroom salad and a 1982 Napa Chardonnay. Does that mean that I should feel free to pig out while my friend is unable to eat her Bologna and Kraft® sandwich on Wonder Bread® with a bag of Humpty Dumpty® chips and an (uuugh) Pepsi®? If they say no drinking does that include coffee? When you get right down to it coffee is less a beverage than a way of life.

Technically speaking there is a sign in every classroom that indicates that food and beverages are not permitted. However, this is one of the few regulations that The Faculty ignores and I commend them for doing so. Many students (myself included) and some professors cannot function before noon without coffee. Imagine struggling in at 8:00 for your tax lecture without the benefit of a hot caffeine solution. If you make it through the first 15 minutes before falling asleep you are an infinitely better person than I am. There are also students who have classes from morning until well in the afternoon without a break for lunch. It would in the very least uncomfortable for them to have to sit through both Administration of Property of Another as well as Real Estate Transactions without nourishment. In the extreme you could say it was cruel and unusual punishment. It would at least make an interesting basis for a Charter challenge.

Eating in classrooms then is a privilege, not a right. Additionally, your mother does not live in law school so you need to clean up after yourself. Please don't leave you leftover coffee cups half

(Continued on page 7)

(Continued from page 6)

filled with coffee or the bottom wrappers from muffins, or paper plates from sandwiches. I more than anyone else realize the comfort that food can bring to one's soul, especially a soul being tortured in tax at an early hour of the morning. On the other hand, I also recognize that food

in the library and the computer room can lead to problems. A spilled drink can turn a keyboard into so much fused wiring. A P.B. & J. can play havoc with your disk drives. So remember that angel hair pasta with truffles and parmigiano-reggiano cheese belongs in your stomach, not on the keyboard.

Jody Berkes is a third year law student who spends a good deal of time thinking about and making food. He has a recurring nightmare that his law school diploma occupies a prominent place above the fry cook station where he works at the McDonalds on Peel. His column appears weekly in the Quid Novi.

Article en forme de "Day After"

Véronique-Elisabeth Marquis BCLII

Me revoilà. Je n'ai rien écrit la semaine dernière pour cause de sauna. En effet, je n'ai jamais développé de goût pour taper à l'ordinateur et en même temps me trouver dans un sauna. Or c'est ce qu'était le labo d'informatique. Mais maintenant que j'ai un ordinateur à la maison, je n'aurai plus cette excuse.

Alors, avez-vous suivi le référendum hier à la télé? Enfin, tout ça est fini...not! Evidemment, au moment où j'écris ceci, je ne sais pas ce qu'aura été l'issue du vote. Bien sûr, tout ça n'est pas aussi important que le procès d'O.J. Simpson pour la majorité des étudiants de la faculté, et peut-être aussi moins important que le début de saison du Canadien, mais il y a probablement une poignée d'étudiants qui se sont dévoués hier, histoire de se tenir au courant...

Tout ceci est de l'ironie pure. Je sais qu'il y a des gens à la faculté qui n'ont aucune idée de ce que représentait le référendum pour certaines personnes dont ils partagent le quotidien. Je voudrais leur dire un secret: certains étudiants de cette faculté avaient le cœur battant, hier soir. Ils ont eu de la peine. Je parie même que certains ont pleuré de joie ou d'une douleur profonde. Comme l'écrivait Flora Balzano, j'ai souvent eu mal, moi aussi, au pays.

Au Québec, on a toujours eu mal au pays. On s'est traité, ou on s'est fait traiter,

d'enfant gâté, d'épouse insatisfaite, de fils prodigue, de fiancée éconduite, de voisin récalcitrant, de toutes les métaphores des relations humaines; ce qui montre, jusqu'à un certain point, combien le pays tire sa source des femmes et des hommes et de leur cœur et de leur âme. J'ai entendu souvent des gens réclamer un débat rationnel sur la souveraineté. Mais la vérité, c'est que ce débat rationnel est une foutaise. On n'a jamais su à quoi on s'engageait en votant oui, ou non. Il nous faut croire, un acte de foi envers l'un ou l'autre camp. Dis-moi quel hymne te fait frissonner, je te dirai pour qui tu vas voter. C'est aussi simple et aussi tragique que cela. Et si ce n'est pas cela, ce sera la peur. Moi aussi, j'ai voté parce que j'avais peur. J'ai peur qu'il ne se passe rien dans cette plate politique qui est la nôtre. J'ai peur du confort et de l'indifférence. J'ai peur de tous les politiciens, et surtout de Lucien Bouchard. Mais je préfère avoir peur que d'avoir mal. J'ai voté oui.

L'année dernière, j'ai cosigné un article dans le Quid où nous écrivions qu'il n'y aurait jamais de débat à McGill, rationnel ou non, sur l'indépendance. Nous avons eu raison. La faculté était bien trop occupée par le procès d'O.J. pour se pencher sur l'avenir d'un peuple. Maintenant, c'est fini. Le Canada restera, avec ou sans le Québec, le pays où il fait bon vivre. Et aussi le plus plate au monde, avec le Lichtenstein et la Norvège.

Je ne jette la pierre à personne au sujet de cette absence de débat. Les politiciens invités n'ont jamais réussi à enlever leur chapeau de politicien. Paul Bégin ne s'est jamais rendu compte que nous étudions le droit. Les autres, que je n'ai pas vu, ont fait de même, j'imagine. Et puis quel rapport entre un étalage de promesses et une tribune où les étudiants auraient pu s'exprimer vraiment?

Cet été, j'étais en Suisse allemande avec une copine quand j'ai rencontré un Canadien de Vancouver. Nous avons passé trois jours ensemble, et nous avons découvert que nous avions des tas de choses en commun. Nous partagions une culture immensément semblable. Mais en même temps, nous étions différents. Et nous en étions fiers. Il m'a dit qu'il aimait tellement le Québec qu'il préférerait qu'on se sépare si ça nous permettait de conserver ces différences. Merci Adrian. Comme disait le poète: "Faut êt' chez soi pour dire welcome". Viens manger de la poutine quand tu veux.

La semaine prochaine, je promets un sujet moins sérieux, comme pourquoi les ascenseurs de la faculté vont moins vite que de marcher dans les escaliers, ou pourquoi il y a un tutorial de JICP si je ne peux pas le prendre parce qu'il est en conflit avec un de mes cours. J'aurais envie de dire: si je ne peux en avoir, personne n'en aura! Réflexe d'enfant gâté ou sens de la justice?

**McGill University
Faculty of Law**

Fourth Annual McGill Lecture in Jurisprudence and Public Policy

John Rawls

**James Bryant Conant University Professor Emeritus
at
Harvard University**

and author of *A Theory of Justice*

"The Idea of Public Reason"

Wednesday, November 8, 1995, 17:00

**New Chancellor Day Hall, Moot Court,
3644 Peel Street**

Vin d'honneur to follow

All students are welcome and seats will be available in the Moot Court on a "first-come first-serve" basis. Closed-circuit viewing will be provided for overflow audience in Rooms 101 & 102.